

ON TRACK WITH MDT

It's hard to believe that legislative session is nearing completion and that we're gearing up for the summer construction season.

April 6 through 12 has been designated as National Work Zone Awareness Week, a time when the nation focuses on the start of the construction season and the risks of speeding in work zones, especially with the increased traffic that the summer and fall seasons bring. This year, the campaign is focusing on the fact that four out of five fatalities in work zones are motorists and that we all need to "Drive slow. Think fast" when traveling through a work zone.

Keeping our roadways safe is a major goal of the Department of Transportation, and there are many ways our various divisions work toward that goal.

Our Motor Carrier Services (MCS) division, for example, works to enforce regulations relating to vehicle weight and size on the state's highways, including specialized laws such as Montana's 10% law.

For those of you not familiar with vehicle weight and size issues, a commercial vehicle is considered weight-legal when its gross or axle weights do not exceed the statutory limits established through the Montana Code Annotated (MCA) or the Federal Bridge Formula. For example a basic tractor-trailer combination can legally operate at up to 80,000 pounds gross weight.

A commercial vehicle combination, i.e., a tractor-trailer rig, with a non-divisible load may operate in excess of these weight limits if the operator secures the appropriate permit.

If a commercial vehicle combination operates in violation of the above-mentioned mandates without obtaining the appropriate permit, that vehicle is considered weight-illegal and may be subject to enforcement action.

You may be thinking, "I know that sounds good, but what about the operator who can't get to a scale because he or she is in a remote location and there is no scale available? This is Montana, after all."

Not surprisingly, Montana has a law that addresses that very concern. Known as the 10% law, it provides the operator of a vehicle or combination of vehicles with the ability to travel from a remote work location (field, forest, etc.) to the first open state weighing location without incurring any excess weight penalties under the MCA, providing that the following conditions are met:

1. the gross weight of the vehicle or combination of vehicles does not exceed the allowable total gross weight limitations by more than 10%; and

2. the weight carried by any axle or combination of axles of the vehicle/combination of vehicles does not exceed allowable axle weight limitations by more than 10%.

Upon arrival at the first open state weighing location, an MCS Officer may take the following actions:

1. require the load to be adjusted or reduced to conform with size and weight limitations before the vehicle is allowed to proceed; or
2. issue a single trip permit for a fee of \$10.00 that allows the vehicle to travel to the first facility where the load can be safely adjusted. (This may also be the load destination.)

This does not mean that a carrier has the ability to indiscriminately haul 10% overweight. The 10% law is a specialized tool that should be used only when a carrier is traveling from a field, forest or other remote work location where there is no scale to the first open State of Montana weighing location.

This is an important distinction: as we all know, Montana's highway system is intended for use by both commercial and non-commercial vehicles, and the resulting use causes damage to our roadways, especially when vehicles travel overweight.

In fact, a forthcoming report from the Montana State University Civil Engineering Department states that specific classes of overweight commercial vehicles traveling over certain sections of Montana's highway system during one calendar year caused damage equal to approximately \$1 million in pavement costs – and that's just for one year!

If I could leave you with one thought, it would be that we each need to do our part in keeping Montana's highways safe, whether that be traveling at appropriate speeds through a work zone or ensuring that our trucks are not over their weight/size limitations. By working together, we can stay "on track," not just with MDT, but also with the needs of the traveling public.

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